IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 433 OF 2006.
WITH
CIVIL APPLICATION NO. 524 OF 2006.

Bechar K. Patel ..Appellant.
V/s.
Municipal Corporation of Gr.Mumbai... Respondents.

Shri J.J.Shah for the appellant.

Mrs. Geeta Joglekar for the respondents.

CORAM : A.M. KHANWILKAR, J.

DATED : 14.8.2006.

P.C. :

. Counsel for the Corporation fairly points out that in the enquiry undertaken by the Assistant Commissioner it is found that the suit structure was an authorised structure. If that is so, no action can be proceeded in respect of the suit structure on the assumption that the structure is unauthorisedly constructed. Authorities are inclined to recall notice under section 351 of the B.M.C. Act, issued in respect of the suit structure. That statement is accepted. On the basis of the statement made by the Corporation through Counsel, nothing survives for consideration in the present appeal as well as the suit. Appellant to make an application before the lower Court for withdrawal of the suit if so advised.

2. The appeal is disposed of on the basis of the statement made by the Corporation. Civil Application also stands disposed of.

(A.M. KHANWILKAR,J.)